Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1899-PWS-E **TCEQ ID:** RN105061436 **CASE NO.:** 31570

RESPONDENT NAME: Steve Torno dba Rodell Water Supply

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
operated at Horseshoe RV Park. There is no reco INTERESTED PARTIES: A complaint was rec COMMENTS RECEIVED: The Texas Register CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: N TCEQ Enforcement Coordinator: Ms Lopez, Enforcement Division, MC 219 Respondent: Mr. Steve Torno, Owner/	aint was received on August 29, 2006, alleging that ord of additional pending enforcement actions regarderived, but the complainant has not expressed a deserved, but the complainant has not expressed a deserved comment period expired on April 30, 2007. No colone s. Anita Keese, Enforcement Division, Enforcement	rding this facility location. sire to protest this action or to speak at Agenda. comments were received. at Team 2, MC R-15, (956) 430-6034; Mr. Steven

DOCKET NO.: 2006-1899-PWS-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REOUIRED Type of Investigation: **Ordering Provisions:** Total Assessed: \$1,100 X Complaint ___ Routine The Order will require the Respondent to: Total Deferred: \$220 ___ Enforcement Follow-up X Expedited Settlement a. Within 30 days after the effective date of this Records Review Agreed Order: Financial Inability to Pay Date of Complaints Relating to this Case: August 29, 2006 i. Commence operating the Facility under the SEP Conditional Offset: \$0 direct supervision of a Grade "D" or higher certified water works operator; and water Date of Investigation Relating to this Case: Total Paid to General Revenue: \$880 September 6, 2006 ii. Install disinfection equipment necessary to Site Compliance History Classification Date of NOE Relating to this Case: October maintain a minimum disinfection residual of 0.2 __ High __ Average ___ Poor milligrams per Liter ("mg/L") free chlorine 10, 2006 (NOE) throughout the distribution system at all times. Person Compliance History Classification Background Facts: This was a complaint __ High __ Average __ Poor b. Within 60 days after the effective date of this investigation. Three violations were Agreed Order: documented. Major Source: ___ Yes _X_ No i. Submit written certification and include WATER Applicable Penalty Policy: September 2002 detailed supporting documentation to demonstrate compliance with Ordering 1) Failed to provide written notification to the Provision a.; and Commission of the startup of a new public water supply system or reactivation of an existing ii. Submit Facility as-built plans, public water supply system [30 Tex. ADMIN. specifications, and engineering reports, CODE § 290.39(m)]. including notification of Facility start-up to the 2) Failed to provide disinfection equipment so Commission. that continuous and effective disinfection can be secured under all conditions [30 Tex. ADMIN. c. Within 75 days after the effective date of this Agreed Order, submit written certification and CODE § 290.42(e)(3)]. include detailed supporting documentation including photographs, receipts, and/or other 3) Failed to employ an operator who holds a Class "D" or higher license for systems that only records to demonstrate compliance with purchase treated water and serves no more than Ordering Provision b.ii. 10.35 250 connections [30 Tex. ADMIN. CODE § 290.46(e)(3)(A)].

Penalty Calculation Worksheet (PCW) PCW Revision November 15, 2006 Policy Revision 2 (September 2002) Assigned 16-Oct-2006 PCW 20-Dec-2006 Screening 19-Oct-2006 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Steve Torno dba Rodell Water Supply Reg. Ent. Ref. No. RN105061436 Major/Minor Source Minor Facility/Site Region 9-Waco CASE INFORMATION Enf./Case ID No. 31570 No. of Violations 3 Docket No. 2006-1899-PWS-E Order Type 1660 Enf. Coordinator Anita Keese Media Program(s) Public Water Supply EC's Team EnforcementTeam 2 Multi-Media Admin. Penalty \$ Limit Minimum Maximum \$1,000 Penalty Calculation Section Subtotal 1 \$1,100 **TOTAL BASE PENALTY (Sum of violation base penalties)** ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$0 Subtotals 2, 3, & 7 Compliance History No enhancement due to compliance history. Notes Subtotal 4 \$0 0% Enhancement Culpability No Respondent does not meet the culpability criteria. Notes \$0 0% **Good Faith Effort to Comply** Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary (mark with x) Respondent does not meet the good faith criteria. Notes Subtotal 6 \$0 0% Enhancement* *Capped at the Total EB \$ Amount Total EB Amounts \$7.973 Approx. Cost of Compliance \$16,000 \$1,100 Final Subtotal **SUM OF SUBTOTALS 1-7** \$0 Adjustment OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30 Notes \$1,100 Final Penalty Amount \$1,100 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

-\$220

\$880

Reduction

Adjustment

PCW

Respondent Steve Torno dba Rodell Water Supply

Case ID No. 31570

Reg. Ent. Reference No. RN105061436

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Policy Revision 2 (September 2002) PCW Revision November 15, 2006

Compliance History Worksheet

Component	Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	٥	0%	ndá Š
	Other written NOVs	0	0%	1042
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	S 0.	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitor emergency orders issued by the commission		0%	
. Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liabilit of this state or the federal government (number of judgements or consent decrees meeting criteria)	y g O	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government	al O	0% - S.	Page St.
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
, udio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privileg Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	е 0	0%	
	Ple	ase Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under special assistance program	a No	0%	
Other	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal governmer environmental requirements	No No	0%	
	Adjustment	Percentage (Su	ıbtotal 2)	0%
Repeat Violator (Su	btotal 3)			
N/A	Adjustment	Percentage (Su	ıbtotal 3) [0%
Compliance History	Person Classification (Subtotal 7)			
N/A	A-J:	Barraghtaga (C.	.640401 71	0%
1977	Adjustment i	Percentage (Su	เมเบเสเ <i>1)</i> [0%
Compliance History	Summary			
Compliance History Notes	No enhancement due to compliance history.		• 	4.18
1			2, 3, & 7)	

Screening Da		5. N. Salta, M. Giller Branchise	t No. 2006-1899-PWS-E	PCW
	nt Steve Torno dba Rod	ell Water Supply		Palicy Revision 2 (September 2002)
Case ID N	\$C.C. 85 8			PCW Revision November 15, 2006
Reg. Ent. Reference N	e Public Water Supply			
Enf. Coordinat				
Violation Numb	oer 1			
Rule Cite	(s)	30 Tex. Admin. Code	∌ § 290.39(m)	
Violation Descripti	water supply sys	stem or reactivation of an evertigator documented that	mmission of the startup of a new existing public water supply systemat the respondent owns a public al of 35 connections and has no Commission.	em. water
			Base	Penalty \$1,000
>> Environmental, Propert	v and Human Healtl	n Matrix		
	Hai	m		
Relea OR Act		erate Minor		
Poten			Percent 0%	
>>Programmatic Matrix Falsificati	on Major Mode	erate Minor		
Faisilicati	on Major Mode	rate Minor	Percent 10%	
			<u> </u>	
Matrix Notes	The respondent fa	ailed to comply with 100%	of the rule requirement.	
10.5			Adjustment	\$900
			Aujustinent	
				\$100
Violation Events				
Number of	f Violation Events		Number of violation days	3
	daily			
	monthly			
mark only o			Violation Base	Penalty \$100
with an 7	semiannual annual			
100 mg/m	single event	<u> </u>		
(Farancia and Anna a				
	C	one single event is recomn	nended.	
Economic Benefit (EB) for	this violation		Statutory Limit Tes	ť
Estim	ated EB Amount	\$37	Violation Final Pena	Ity Total \$100
	- L			
		inis violation Final	Assessed Penalty (adjusted fo	קפווווו וכ קוטווו וכ

	E	conomic l	Benefit W	'orks	sheet		1.7
Respondent	Steve Torno db	a Rodell Water Su	pply	J	al educação o	er er er e	- 1 -
Case ID No.	31570						
Reg. Ent. Reference No.	RN105061436						5.48.5
	Public Water S	vlaqu			and the second	A	Years of
Violation No.		-1-1-2				Percent Interest	Depreciation
i leigheit i i						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
			and a	741A7420000000		1 (3.17) (3.16)	*
Delayed Costs							
Equipment				0.0	\$O	\$0	\$0
Buildings				0,0	. \$0	\$0	.\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	e e e e e e e e e e e e e e e e e e e	Access of San Street Street	and the second s	0.0	\$ 0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	3/6/3/65 - 12/11/19			0.0	\$0	n/a	\$0
Demott Occur							
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	6-Sep-2006	31-May-2007	0.7	\$37	n/a	\$37
Other (as needed)	Estimated cos	st to provide notice	and receive appro	0.7 oval from	\$37 In the executive directing the firection and		\$37 of a new public
Other (as needed)	Estimated cos water supp	st to provide notice bly. The date requi	and receive appro red is the date of t	0.7 oval from he inves complian	\$37 In the executive directigation and the firece.	n/a ector for the startup	\$37 of a new public ated date of
Other (as needed)	Estimated cos water supp	st to provide notice bly. The date requi	and receive appro red is the date of t	0.7 oval from he inves complian	\$37 In the executive directigation and the firece.	n/a ector for the startup nal date is the estim	\$37 of a new public ated date of
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos water supp	st to provide notice bly. The date requi	and receive appro red is the date of t	0.7 oval from he inves complian	\$37 the executive directigation and the filece. Item (except for	n/a ector for the startup nal date is the estim one-time avoided o	\$37 of a new public ated date of
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos water supp	st to provide notice bly. The date requi	and receive appro red is the date of t	0.7 oval from the investigation of the investigati	\$37 If the executive directigation and the firece.	n/a ector for the startup nal date is the estim one-time avoided o	\$37 of a new public ated date of
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos water supp	st to provide notice bly. The date requi	and receive appro red is the date of t	0.7 oval from the investment of the investment	\$37 the executive directigation and the firection (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0	\$37 of a new public ated date of costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 oval from the investmentering 0.0 0.0 0.0	\$37 the executive directing the second of the file of	n/a ector for the startup hal date is the estim one-time avoided o \$0 \$0 \$0	\$37 of a new public ated date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs AVOIDED GOSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to another fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public atted date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by al from the investment of the investment	\$37 the executive directigation and the firece. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public ated date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to another fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public atted date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to and the fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public atted date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to and the fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public atted date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to and the fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public atted date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to and the fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public atted date of \$0.00000000000000000000000000000000000
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos water supp	st to provide notice by. The date requi	and receive appro red is the date of t	0.7 by all from the investment of the investmen	\$37 the executive directing to and the fine executive directing to and the fine executive for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a sector for the startup hal date is the estim one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$37 of a new public ated date of \$0.00000000000000000000000000000000000

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	PCW
	y Revision 2 (September 2002)
	V Revision November 15, 2006
Reg. Ent. Reference No. RN105061436	
Media [Statute] Public Water Supply Enf. Coordinator Anita Keese	
Violation Number 2	
Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)	
Violation Description Failed to provide disinfection equipment so that continuous and effective disinfection of be secured under all conditions.	an
Base Penal	lty \$1,000
> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor OR Actual	
OR Actual Potential X Percent 25%	
>Programmatic Matrix	•
Falsification Major Moderate Minor Percent 0%	
Matrix Notes Failure to sufficiently disinfect the water could allow the customers to be exposed to significant amounts of pollutants which would exceed levels that are protective of human health as a result of the violation. Adjustment \$7	he 750
	\$250
/iolation Events	
Number of Violation Events 2 43 Number of violation days	
daily, monthly x	•
mark only one with an x quarterly semiannual annual single event	\$500 sty
Two monthly events are recommended from the investigation on September 6, 2006 to the October 19, 2006 date of case screening.	er.
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$256 Violation Final Penalty To	otal \$500
This violation Final Assessed Penalty (adjusted for lim	its) \$500
This violation i that Assessed remaily (adjusted for this	

	Е	conomic E	Benefit W	orks	sheet		
		a Rodell Water Su	oply		est in viru		
Case ID No.							
Reg. Ent. Reference No.	Public Water S	unnly					Years of
Violation No.		арріу				Percent Interest	Depreciation
energy kallingen						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$,,
D.1 1 0(-		ili i i i i i i i i i i i i i i i i i i	rational constraint				
Delayed Costs Equipment	\$5,000	6-Sep-2006	31-May-2007	0.7	\$12	\$244	\$256
Buildings	φοισσο			0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land	1000			0,0	\$0	n/a	\$0
Record Keeping System	sisteria de aproprior de la companya del companya del companya de la companya de		13 10 10 10 10 10 10 10 10 10 10 10 10 10	0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal	Single Control State Control			0,0	\$0	n/a	\$0
Permit Costs Other (as needed)				0,0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated cos				tion supplies and e is the estimated d	quipment, The datate of compliance.	e regulred is the
•							
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e			one-time avoided o	
Disposal				0,0	\$0	\$0	\$0
Personnel	75			0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0
		ll		II. 0.0	<u>μ</u>	Φ0 1	90
•							
Notes for AVOIDED costs							
							33.297
Approx, Cost of Compliance		\$5,000			TOTAL	<u> </u>	\$256
White of the combination		ΨΟ,ΟΟΟ			IOIAL		Ψ200

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PCW	19-Oct-2006 Docket No. 2006-1899-PWS-E	Screening Date 19-0
sion 2 (September 200	• • •	
ision November 15, 200		Case ID No. 315
		Reg. Ent. Reference No. RN ² Media [Statute] Pub
		Enf. Coordinator Anit
	3	Violation Number
	30 Tex. Admin. Code § 290.46(e)(3)(A)	Rule Cite(s)
	Failed to employ an operator who holds a Class "D" or higher license for systems that only purchase treated water and serves no more than 250 connections.	Violation Description Fá
\$1,00	Base Penalty	
	nd Human Health Matrix	> Environmental, Property and
	Harm Major Majorata Minor	Dalaasa
	Major Moderate Minor	OR Release Actual
	x Percent 25%	Potential
	Major Moderate Minor	>Programmatic Matrix Falsification
	Wajor Moderate Wilhor Percent 0%	Faisincation
	<u>Karajanianan na dia karajanian karajanian karajanian karajan </u>	Description of the second second
	nploy a licensed operator with at least a "D" certification could allow the customers to be significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	Matrix exposed to sig
	Adjustment \$750	
\$2		
		/iolation Events
	olation Events 2 43 Number of violation days	Number of Violation
	Land and the second sec	•
	daily	
\$5	monthly x Violation Base Penalty	
	semiannual	with an v
	annual	
	single event	SIII
	y events are recommended from the investigation on September 6, 2006 to the October	Two monthly ev
	19, 2006 date of case screening.	
	is violation Statutory Limit Test	Economic Benefit (EB) for this v
\$5	d EB Amount \$7,681 Violation Final Penalty Total	Estimated EE
\$5		
φυ	This violation Final Assessed Penalty (adjusted for limits)	

	E	conomic I	Benefit W	orks	heet		
Respondent	Steve Torno db	a Rodell Water Su	pply	16			
Case ID No.	31570		· · · · · · · · · · · · · · · · · · ·				
Reg. Ent. Reference No.							
	Public Water S	vlaqu			\$60 s. # 10	Daves at Interest	Years of
Violation No.					11 B 1 1 P 25 D	Percent Interest	Depreciation
	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Duto Required	i iliai bata	1.0	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	C	
item bescription	No commas or \$	cur a rest a riso		;		1	
Delayed Costs							
Delayed Costs Equipment	(<u> </u>		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land			V1104 (KUZYYYOY)	0.0	\$0	n/a	\$0
Record Keeping System		No. Control of the Control	CANADA CA	0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	61.11.11.11.11.11.11.11.11.11.11.11.11.1			0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0,0	\$0	n/a	\$ 0.
Notes for DELAYED costs							98,004-12.9741.8337.141.15.151 .
AVOIDED COSTS AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$10,000	UALIZE [1] avoide	ed costs before e	ntering 0.0 0.7 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided of \$0 \$7,315 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7,681 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Custome	r/Respondent/Owner-Operator:	CN601443518	TORNO, STEVE		Classification:	Rating:
Regulate	d Entity:	RN105061436	RODELL WATER SUPPL	Y	Classification:	Site Rating:
ID Numb	er(s):	PUBLIC WATER	SYSTEM/SUPPLY	REGISTRATI	ON	1450032
Location:		RV PARK ON HV COUNTY	VY 79 AND PRIVATE ROAD	3100, LEON		
TCEQ Re	egion:	REGION 09 - WA	/CO			
Date Cor	npliance History Prepared:	November 15, 20	06			
Agency [Decision Requiring Compliance History:	Enforcement				
Compliar	nce Period:	November 15, 20	01 to November 15, 2006			
TCEQ St	aff Member to Contact for Additional Info	mation Regarding	this Compliance History			
Name:	Anita Keese	Ph	one: (956) 430-6034			
		Site C	ompliance History Com	ponents		
1 Has th	e site been in existence and/or operation		-	Yes		
	ere been a (known) change in ownership			No		
	who is the current owner?			N/A		
4. if Yes	, who was/were the prior owner(s)?			N/A		·
5. When	did the change(s) in ownership occur?			N/A		
Compo	nents (Multimedia) for the Site :					
A.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Texas	s and the federal g	government.	
	N/A					
_						· · · · · · · · · · · · · · · · · · ·
B.	Any criminal convictions of the state of	Texas and the fede	eral government.			
0	N/A					
C.	Chronic excessive emissions events.					
_	N/A	205501 7 1				
D.	The approval dates of investigations. (CCEDS Inv. Track.	No.)			*
	N/A	*			•	
E.	Written notices of violations (NOV). (Co	CEDS Inv. Track. N	0.)			
	N/A					
F.	Environmental audits.					
• •	N/A	,				
G.	Type of environmental management sy	/stems (EMSs).				
	N/A		•			
H.	Voluntary on-site compliance assessm	ent dates.	?			
	N/A					
l.	Participation in a voluntary pollution re-	duction program.				
	N/A					
J.	Early compliance.			•		
	N/A					
Sites Ou	utside of Texas					* .
	N/A					

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Texas Commission on Environmental Quality



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
STEVE TORNO DBA RODELL	§	
WATER SUPPLY	§	ENVIRONMENTAL QUALITY
RN105061436	§	

AGREED ORDER DOCKET NO. 2006-1899-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Steve Torno dba Rodell Water Supply ("Mr. Torno") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Torno appear before the Commission and together stipulate that:

- 1. Mr. Torno owns and operates a public water supply serving an RV park and a subdivision south of the intersection between Highway 79 and Private Road 3100 in Leon County, Texas (the "Facility") that has approximately 35 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and Mr. Torno agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Torno is subject to the Commission's jurisdiction.
- 3. Mr. Torno received notice of the violations alleged in Section II ("Allegations") on or about October 15, 2006.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Torno of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of One Thousand One Hundred Dollars (\$1,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Torno has paid Eight Hundred Eighty Dollars (\$880) of the administrative penalty and Two

Hundred Twenty Dollars (\$220) is deferred contingent upon Mr. Torno's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Torno fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Torno to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and Mr. Torno have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Torno has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Torno is alleged to have:

- 1. Failed to provide written notification to the Commission of the startup of a new public water supply system or reactivation of an existing public water supply system, in violation of 30 TEX. ADMIN. CODE § 290.39(m), as documented during an investigation conducted on September 6, 2006.
- 2. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3), as documented during an investigation conducted on September 6, 2006.
- 3. Failed to employ an operator who holds a Class "D" or higher license for systems that only purchase treated water and serves no more than 250 connections, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(3)(A), as documented during an investigation conducted on September 6, 2006.

III. DENIALS

Mr. Torno generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Torno pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Torno's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Steve Torno dba Rodell Water Supply, Docket No. 2006-1899-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Mr. Torno shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order,
 - i. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator, as required by 30 Tex. ADMIN. CODE § 290.46; and
 - ii. Install disinfection equipment necessary to maintain a minimum disinfection residual of 0.2 milligrams per Liter ("mg/L") free chlorine throughout the distribution system at all times, as required by 30 Tex. ADMIN. CODE § 290.46.
 - b. Within 60 days after the effective date of this Agreed Order,
 - i. Submit written certification as described in Ordering Provision 2.c. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.; and
 - ii. Submit Facility as-built plans, specifications, and engineering reports, including notification of Facility start-up to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.39. The start-up notification, plans, and reports shall be submitted to:

Technical Review and Oversight Team Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including

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photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Torno is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Torno shall be made in writing to the Executive Director. Extensions are not effective until Mr. Torno receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Torno in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

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Steve Torno dba Rodell Water Supply DOCKET NO. 2006-1899-PWS-E Page 5

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Torno, or three days after the date on which the Commission mails notice of the Order to Mr. Torno, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



For the Commission

For the Executive Director

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

A negative impact on my compliance history;

Greater scrutiny of any permit applications submitted by me;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;

Increased penalties in any future enforcement actions against me;

Automatic referral to the Attorney General's Office of any future enforcement actions against me; and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Name (Printed or typed)

Authorized Representative of

Steve Torno dba Rodell Water Supply

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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